

ORDINANCE NO. 2008 - 13

AN ORDINANCE OF SANTA ROSA COUNTY, FLORIDA,
AMENDING ORDINANCE 2005-37; PROVIDING FOR
PAYMENT OF IMPACT FEES AT THE TIME OF
ISSUANCE OF A BUILDING PERMIT; PROVIDING FOR
CODIFICATION; PROVIDING FOR SEVERABILITY;
AND, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA ROSA COUNTY, FLORIDA:

SECTION 1. Sections 2, 7, and 16 of Santa Rosa County Ordinance 2005- 37 are amended as follows: (Language added is printed in type which is **bold underline** type, and language deleted is printed in ~~struck through~~ type.).

"SECTION 2. DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings unless the context clearly requires otherwise. To the extent there is any conflict between the definitions set out below and the definitions set forth in Section 3.00.01 of the Santa Rosa County Land Development Code, the definitions contained in Section 3.00.01 prevail.

"Development Approval" shall mean ~~either final plat approval as defined in Article 4 of the Santa Rosa County Land Development Code or the~~ issuance of a building permit **or development order for any road impact construction that does not require a building permit** ~~for non-platted development or issuance of a building permit in platted development for which a road impact fee has not been paid.~~

SECTION 7. IMPOSITION.

(A) The schedule of Road Impact Fees set forth in Appendix A, which is imposed upon all Road Impact Construction occurring within both the unincorporated and municipal areas of the County at the rates established under the applicable Impact Fee Land Use Categories in Appendix A are hereby adopted and the Road Impact Fee established in Appendix A is hereby imposed. Commencing on the effective date of this Ordinance, all Road Impact Construction shall pay a Road Impact Fee at the time the Fee is due for payment under Section 13 of this Ordinance. ~~The Road Impact Fee shall be due for all lots in a platted subdivision at the time of final plat approval, or at the time of issuance of a building permit for non-platted development or development of a platted lot for which a road impact fee has not been paid.~~ Road impact fees are not due for road impact construction for which a good faith building permit application has been submitted to Santa Rosa County prior to the effective date. ~~A road impact fee shall not be~~

~~required at the time of final plat approval if construction plans have been approved by Santa Rosa County prior to the effective date of this ordinance.~~

(B) The Board hereby establishes three (3) Road Construction Districts, as described in Appendix B, for purposes of collection and expenditure of the Road Impact Fees. Road Impact Fees collected in each District may be spent as provided in Section 10(B) hereof only on that portion of roads in the County Road System located in the District in which such fees were collected.

(C) In the event the Board elects to impose a rural protection zone overlay (as the same may be defined in the enacting instrument creating such overlay) over a Road Construction District, the Board may adopt, by resolution, the Road Impact Fee Rate identified as "rural" in Appendix A to apply to Road Impact Construction occurring in such rural protection zone.

SECTION 16. DEVELOPER CONTRIBUTION CREDIT.

(A) A credit may be granted against the Road Impact Fee imposed pursuant to Sections 7 or 8 of this Ordinance, as applicable, for the donation of land or for the construction of any Off-Site Improvements to designated County roads required pursuant to a development order of the County or voluntarily made in connection with Road Impact Construction. Such land donation, construction and improvement shall be subject to approval by the Board and the following standards:

- (1) The donated land shall be an integral part of and a necessary accommodation of the contemplated Off-Site Improvements to designated County roads; and
- (2) The Off-Site Improvements to be constructed shall be an integral part of and a necessary accommodation of the contemplated Off-Site Improvements to designated County roads and shall exclude Access Improvements.

(B) The amount of developer contribution credit to be applied to the Road Impact Fee shall be determined according to the following standards of valuation:

- (1) The value of donated land shall be based upon a written appraisal of fair market value by a qualified and professional appraiser and based upon comparable sales of similar property between unrelated parties in a bargaining transaction, if available;
- (2) The actual cost of construction of Off-Site Improvements to a designated county road shall be based upon cost certified by a professional architect or engineer. However, in no event shall any credit be granted for construction of

Off-Site Improvements in excess of the estimated construction costs approved by the County unless the construction project is competitively bid, in which case the credit shall be limited to the actual costs or one hundred twenty (120) percent of the bid amounts, whichever is less; and

(C) Prior to issuance of a Building Permit, ~~final plat approval~~, or other final development order the Applicant shall submit to the Planning Director a proposed plan for the construction or donation of Off-Site Improvements to a designated county road. The proposed plan shall include:

- (1) A designation of the Road Impact Construction for which the plan is being submitted;
- (2) A list of the contemplated Off-Site Improvements to the County Road System;
- (3) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with subsection (B)(1) of this Section;
- (4) An estimate of proposed construction costs certified by a professional engineer or professional architect; and
- (5) A proposed time schedule for completion of the proposed plan.

(D) Upon receipt of the proposed plan, the Planning Director shall determine if the proposed plan meets all the requirements of this Section. If all requirements are met, the Planning Director shall schedule the proposed plan as an agenda item for the Board. The Planning Director shall provide the Applicant or Owner written notice of the time and place of said Board meeting. The proposed plan shall be heard by the Board within forty-five (45) days of the date the proposed plan, which meets all the requirements of this Section, was submitted.

(E) The Board shall determine:

- (1) If such proposed plan of construction or donation is in conformity with contemplated Off-Site Improvements to the County Road System;
- (2) If the proposed donation is consistent with the public interest;
- (3) If the proposed construction and donation time schedule is consistent with the County transportation work schedule; and
- (4) If eligible for credit, the amount of developer contribution credit based upon the above standards of valuation.

(F) Upon approval by the Board, the County Attorney shall prepare a contribution agreement with the Applicant.

(G) All construction cost estimates shall be based upon and all construction plans and specifications shall be in conformity with the road construction standards of the County. All plans and specifications shall be approved by the county engineer prior to commencement of construction.

(H) Any Applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a Building Permit shall pay the applicable Road Impact Fee prior to or at the time the request for hearing is filed. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights. Any difference shall be refunded to the Applicant or Owner.

(I) Nothing contained herein shall be construed to qualify the donation of land which is required as right-of-way or the construction of Access Improvements for a developer contribution credit.

SECTION 2. CODIFICATION. The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION 4. EFFECTIVE DATE. A copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days of enactment and shall take effect upon said filing.

PASSED AND ADOPTED by a vote of 5 yeas and 0 nays, and 0 absent of the Board of County Commissioners of Santa Rosa County, Florida, this 8th day of May, 2008.

**BOARD OF COUNTY COMMISSIONERS
SANTA ROSA COUNTY, FLORIDA**

By John Brofs
Chairman

ATTEST:

Mary M. Johnson
Clerk

I, Mary M. Johnson, Clerk of Court of Santa Rosa County, Florida, do hereby certify that the same was adopted and filed of record and a copy deposited in the Postal Department of the United States of America for delivery by registered mail to the Secretary of State of Florida, on this 9th day of May, 2008.

Mary M. Johnson
Clerk of Court